



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

Procedure No.: MSP 5.6.1	Subject: RELIGIOUS PROGRAMMING
Reference: DOC Policy 5.6.1	Page 1 of 8 and 2 attachments
Effective Date: December 8, 1999	Revision (new effective date): April 4, 2011
Signature / Title: /s/ Mike Mahoney / Warden	

I. PURPOSE

To provide inmates with reasonable and equitable opportunities to pursue religious activities consistent with the secure and orderly operation of the facility within budgetary limitations.

II. DEFINITIONS

Authentic religion - a definable, sincerely held moral system that includes belief, behavior, participation, proficiency, and exclusivity. The scope of human religious experience demands that this definition be applied with great latitude. In short, every person is the steward of his or her own conscience, but religious expression in a correctional setting must, at a minimum, take some articulated shape. Feelings, philosophies, and personal preference do not, of themselves, constitute activity supported by this operational procedure.

Communal articles - those items deemed necessary by the governing body of a faith group for communal religious activities. Communal Articles will be secured in an assigned location in the Religious Activities Center (RAC) or other authorized area. See *attachment A* for approved communal items, their descriptions, dimensions, and quantities allowed.

Personal articles - items deemed necessary by the governing body of a faith group for personal use by an inmate. These items must fit into the designated storage containers for personal possessions as outlined in *MSP 4.1.3, Inmate Personal Property*. See *attachment A of MSP 4.1.3* for the descriptions, dimensions, and possession limits for religious items allowed for general population and locked housing unit inmates. Inmates confined at the Martz Diagnostic & Intake Unit (MDIU) will only be allowed those religious items listed in the MDIU housing unit rules.

RAC - is the acronym for Religious Activities Center.

Religious Activities Coordinator - an institutional employee under the supervision and approval of the Associate Warden of Operations who reports, reviews, and schedules all inmate religious activities at MSP.

Religious Activities Specialist - an institutional employee under the supervision of the Religious Activities Coordinator who facilitates inmate religious activities at MSP.

Religious Activity – any rite, ceremony, event or program that is customarily associated with the practices of a religious faith group, including but not limited to corporate gatherings of adherents of a faith group for the purposes of worship, prayer, teaching and/or sharing.

Religious Issues Committee (RIC) - a committee, composed of the following individuals, convened by the Associate Warden of Operations to consider facility religious matters.

- The Associate Warden of Operations
- The Religious Activities Coordinator

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- The DOC Legal Chief or designee
- The MSP Security Major or designee
- Other staff as designated by the Associate Warden of Operations

III. PROCEDURES

A. Religious program objectives:

1. To provide opportunities for authentic religious expression
2. To equitably distribute religious resources for the benefit of all inmates
3. To protect the religious rights of all inmates
4. To ensure spiritual care is available to all inmates
5. To provide expertise on matters of religion in the correctional environment to staff

B. Declaration of Religious Preference

1. An inmate's declaration of religious preference is the key to him having authorization to attend religious activities or receive religious accommodation at MSP. Inmates must declare a preference in order to:
 - a. Attend communal religious activities.
 - b. Possess approved religious property items.
 - c. Receive other religious accommodations (i.e., diets, work exception, hair style, etc.) – see section III.E. on page 4.
2. In order to facilitate the authentic expression of religious belief, MDIU staff will give each new inmate the opportunity to declare his sincere religious preference during the initial intake process.
 - a. MDIU admissions staff will have each new inmate fill out an *MSP Inmate Religious Preference Statement form (attachment B)*. MDIU staff will then enter the inmate's declared preference into the OMIS database.
 - b. The Religious Activities Coordinator may conduct an assessment in order to verify an inmate's declared religious preference.
3. Volunteers and MSP staff may not attempt to coerce or influence an inmate to change his religious preference while at MSP, however inmates may change their declared preference once per calendar year using an *MSP Inmate Religious Preference Statement form (attachment B)*. The Religious Activities Coordinator may waive the time requirement on a case-by-case basis for special circumstances.
 - a. The inmate will complete the applicable sections of the form and mail it to the Religious Activities Coordinator.
 - b. Upon receipt of the completed form, the Religious Activities Coordinator will conduct an assessment, which may include a structured interview, with the inmate, in order to verify the inmate's newly declared religious preference.
 - c. The Religious Activities Coordinator will make a decision to approve or deny the inmate's request based upon the outcome of this assessment. An inmate may utilize the established inmate grievance procedure to address the decision of the Religious Coordinator.
 - d. RAC staff will update the OMIS database of approved changes in religious preference within three working days of approval.
 - e. Inmates may only attend those communal religious activities associated with their preference. Inmates with no declared religious preference may not attend

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regularly scheduled communal religious activities. (*Note: attendance at special activities is subject to the requirements of MSP 5.5.101, Special Activities*).

- f. Inmate identification cards may be marked with the inmate's religious preference.

C. Religious Activities

1. Inmates declaring a religious preference are free to participate in communal religious activities particular to their declared preference.
2. The Religious Activities Coordinator will maintain a list of active communal groups. While the list will be dynamic, reflecting ongoing program changes, a formal copy of the list will be kept in this operational procedure. The current list includes:
 - a. Buddhist
 - b. Catholic/Christian denominations
 - c. Christian Science
 - d. Jehovah's Witnesses
 - e. Latter Day Saints
 - f. Native American
 - g. *Native American & Catholic/Christian Denominations
 - h. Odinist
 - i. Wicca

**Montana State Prison recognizes the unique characteristics of Native American spirituality that sometimes includes Catholicism/Christianity.*

D. Religious Personal Property and Communal Items

1. Inmates with a declared religious preference may possess the associated religious property items for their faith group as listed on *attachment A of MSP 4.1.3, Inmate Personal Property*.
2. In order to protect the sanctity of authentic religious expression, an inmate may not possess religious property items listed for a faith group that differs from his declared religious preference.
3. Inmates with no religious preference may not possess religious personal property items. This provision does not apply to publications. Inmates are free to possess any appropriate and authorized publication regardless of its religious distinction.
4. When deemed necessary by the Associate Warden of Operations, the RIC will establish recommended communal and personal religious property items and levels for a faith group not listed on *attachment A of MSP 4.1.3, Inmate Personal Property*.
 - a. The RIC, in close coordination with the Prison Issues Task Force (PITF), will finalize the list of personal religious property items for inclusion on *attachment A of MSP 4.1.3, Inmate Personal Property*.
 - b. The Religious Activities Coordinator will maintain the approved addendum to the communal and personal property lists until it is officially added to *attachment A of MSP 4.1.3, Inmate Personal Property* during the annual PITF finalization process.
5. An inmate may only use his personal religious property items in his cell or at communal religious activities. As stipulated in the *Traditional Native American Spiritual Program Highlights (dated 7/2/10)* inmates attending communal Native American religious activities may only bring and utilize their eagle feathers and medicine bag. MSP will

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provide the botanicals utilized at Native American communal religious activities.

6. Inmates may only utilize their religious personal property items in accordance with the religious purpose for which they were designed.
 - a. Any other use of religious personal property items is prohibited.
 - b. If an inmate chooses to wear his religious medallion (crucifixes, medicine bag, etc.), he must wear it around his neck using the necklace item that came with the medallion and keep it tucked under his shirt. He may wear it on the outside of the shirt/coat only when attending a religious service or activity.
 - c. Violations of the above stipulations may result in confiscation of the item(s) as contraband in accordance with *MSP 3.4.1, Institutional Discipline*.

E. Religious Accommodations

1. Inmates who desire one of the following religious accommodations must write to the RAC Coordinator, using an OSR form, requesting the specific religious practice accommodation.
 - a. diet
 - b. hairstyle
 - c. holy day work exemption
 - d. property item
 - e. communal activities
2. Religious accommodations will only be provided to an inmate who is able to demonstrate a sincere belief in his declared faith system, and that the faith system requires adherence to its religious laws concerning the requested accommodation.
3. Religious accommodations will be approved on a case-by-case basis within the constraints of facility security and order.
 - a. Diet accommodations for religious holy days will be approved in accordance with *DOC 4.3.2, Menu Planning*.
 - 1) Religious diets are only provided for inmates with a sincere belief in a faith system that requires adherence to religious dietary laws.
 - 2) Religious diets will be approved on a case-by-case basis within the constraints of order, security and budget.
 - 3) An inmate who receives a religious diet accommodation must adhere to the approved diet plan. Failure to abide by the plan will result in termination of the diet.
 - b. Religious exemptions from work must be in writing from the Religious Coordinator, and only when such days are recognized for a given group by national standards.

F. Religious Program Organization

1. Religious programs offered at MSP are under the direction of the Religious Activities Coordinator.
2. The Religious Activities Coordinator will provide for the equitable delivery of religious activities regardless of religion or affiliation.
3. Religious activities volunteers, as defined in *MSP 1.3.16a, Religious Volunteer Services*, under the supervision and direction of the Religious Activities Coordinator may be used to assist in the implementation of religious activities.

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4. The MSP budget will provide for the adequate delivery of religious activities.
5. The Religious Activities Coordinator and Religious Activities Specialists will arrange for confidential and non-judgmental religious counseling to inmates who request it. Confidentiality is waived in regards to matters that constitute a threat to life or property. These requests must be responded to as promptly as possible according to the urgency of the situation.
6. Communal religious activities will comply with the standard practices of that faith's governing body, and will comply with MSP security requirements. Staff in general and the Religious Activities Coordinator in particular, will determine appropriate behavior.
7. The Religious Activities Coordinator will post a weekly religious activity schedule in locations available to all general population inmates. The RAC schedule will be archived. Changes to, or cancellation of, scheduled religious activity may occur at any time, and may not be subject to rescheduling.
8. When necessary, the Warden or designee may identify alternative activities and implement the least restrictive alternative consistent with the security and orderly running of the facility.
9. The following activities are never authorized:
 - a. Animal sacrifice.
 - b. Language or behaviors that might constitute or be construed as a threat (e.g., curses).
 - c. Nudity.
 - d. Self-mutilation.
 - e. Use or display of weapons.
 - f. Exclusion by race.
 - g. Paramilitary exercises.
 - h. Self-defense training.
 - i. Sexual acts.
 - j. Profanity.
 - k. Consumption of alcohol.
 - l. Ingestion of illegal substances.
 - m. Proselytizing.
 - n. Encryption.

G. Religious Program Resources

1. To the extent practical, all religious/faith groups will have equal access to religious facilities and communal articles.
2. The RAC or rooms in the high and low support buildings are available for scheduled religious activities.
3. The RAC will have secure and respectful storage compartments and space for communal articles according to practical needs.
4. WRC conference rooms and the Religious Activities Building (RAB), adjacent to the Work and Re-entry Center, are available for scheduled religious activities.

H. Religious Program Staffing

1. There is one full-time Religious Activities Coordinator employed at MSP who will be allowed access to all areas of MSP in order to meet the individual inmate's right of access

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to a religious/spiritual advisor. All security procedures and requirements will be followed to gain such access.

2. There are two Religious Activities Specialists at MSP who facilitate religious activity under the direction of the Religious Activities Coordinator. RAC Specialists will be allowed access to all areas of MSP necessary to perform their duties. All security procedures and requirements will be followed to gain such access.
3. Religious activities volunteers will be selected and supervised in accordance with *MSP 1.3.16a, Religious Volunteer Services, and DOC 1.3.12, Staff Association and Conduct with Offenders*. Volunteers will conduct religious activities under the supervision and direction of the Religious Activities Coordinator. Volunteers are prohibited from being on an inmate's correspondence and visiting list at any time.
4. When an approved volunteer for a faith group to which an inmate subscribes is not available, the Religious Activities Coordinator, in response to an inmate's formal request, will facilitate contact with an approved and credentialed representative by whatever correspondence is practical.
5. Security staff and additional resources (as available) will be provided to maintain security at MSP, and to assist in ensuring the safety of staff, volunteers, and inmate participants.
6. A staff member must monitor all religious group activities, and inmates may not direct, lead, or conduct religious activities.

I. Religious Activities Available to General Population Inmates

1. Religious services
2. Religious education
3. Religious rituals, meditation times, lectures, and musical programs
4. Religious advice, counsel, and individual prayer time
5. Notification of death or serious illness in an inmate's family with religious support in times of distress
6. Religious forums and discussions of timely issues
7. Religious self-studies and supervision of scripture cell study
8. Religious group counseling

J. Religious Activities Available to Locked Housing or MDIU Inmates

1. Out-of-cell religious activity will not be conducted in locked housing units or MDIU. Inmates are free to pursue matters of faith in their cell in a manner consistent with housing unit rules and the security requirements of their classification.
2. If a need arises for an approved representative of a religious faith group to counsel or pray with a locked housing inmate, assigned staff will escort the representative to and from the locked housing unit. These visits must be coordinated with the housing unit's schedule in cooperation with the housing unit team and Command Post staff, and will be non-contact. To ensure privacy and confidentiality, unit staff will provide direct supervision and a proper place for these services.
3. Classified live-in unit workers at MDIU may attend Low Side religious activities if attendance does not conflict with their work assignment or other institutional needs.

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K. Religious Publications and Printed Materials

1. Inmates may receive religious printed materials and publications that do not jeopardize security, rehabilitative goals, or violate policy/procedure.
2. Inmates may receive or have available religious printed materials that are permanent in nature (e.g., Bible, Koran, etc.). These publications will be included in the 15 publications limit of *MSP 4.1.3, Inmate Personal Property*.
3. Inmates who speak a non-English language may receive or have available non-English editions of the Bible or like permanent texts, as is practical or as is available through recognized national bodies of the inmate's faith group.
4. RAC staff may distribute religious publications under the following guidelines. Incoming bulk publications will be processed in accordance with MSP procedure on incoming packages, and must meet the approval of the Security Major or designee before going to the RAC for disbursement. Bulk items distributed at the RAC will be limited to approved religious pamphlets, denominational publications, flyers, news-type copy, and booklets. RAC staff will not distribute books (a publication with a glued binding over 5/16" thick) or other religious property.

L. Other Considerations

1. Donated Communal Articles
 - a. Donated religious communal articles and supplies must be from a recognized religious organization.
 - b. All such donated communal items must have prior approval from the Security Major or designee for entry into MSP, and are subject to search and inspection by the Security Major or designee.
 - c. After being searched and inspected the items will be delivered to the Religious Coordinator who will store them in the RAC or RAB.
 - d. These items must not be given to inmates for personal retention.
 - e. Sacred herbs/botanicals may be donated subject to the following:
 - 1) Pre-approval of the Religious Activities Coordinator and the Security Major.
 - 2) Botanicals must be shipped in clear "zip" type bags.
 - 3) The contents of these bags must be clearly marked, e.g., "juniper", "sage", "cedar", etc.
 - 4) Botanicals must be mailed to the Religious Activities Coordinator and are subject to inspection by the Security Major or designee
2. The Religious Activities Coordinator will inventory and secure all communal botanicals in the Religious Activities Coordinator's office. Institutional pipe carriers must submit a written request, in advance, for sacred herbs.
3. Any religious item received for an inmate's personal retention must be listed in *attachment A of MSP 4.1.3, Inmate personal Property*, and must be processed through the MSP Property Office using the inmate property receipt system. This is necessary to provide official documentation of delivery (in case items are lost, stolen, transferred, or damaged), and to help prevent the introduction of contraband into MSP.
4. RAC staff and religious services volunteers will not conduct inmate weddings (see *MSP 3.3.9, Inmate Marriages*).

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5. Religious activities will, to the extent possible, be allocated equitably among all faith groups represented at MSP.
6. Religious activities will be conducted indoors, with the exception of Native American Sweat & Pipe Ceremonies and Work and Reentry Center baptisms.
7. Faith group practitioners may request new religious accommodations by submitting a written request to the Religious Issues Committee, care of the Religious Activities Coordinator. The RIC will respond in writing, and will detail specific reasons for any denials.
8. No inmate may be compelled to attend any religious activity.
9. Food will not be consumed at scheduled religious activities. Food at special activities is subject to *MSP 5.5.101*. This provision does not preclude small amounts of approved Catholic/Christian communion elements.
10. Inmates found guilty of disciplinary infractions related to the religious activities may receive exclusion (for a defined period) from religious activities as a component of their sanction(s).

IV. CLOSING

Questions concerning this operational procedure will be directed to the Warden.

V. ATTACHMENTS

Communal Religious Items List

attachment A

MSP Inmate Religious Preference Statement form

attachment B

Religious Group or Religious Identification **Asatru/Odinist**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Ceremonial rune set (oak wood cards)	1" diam.	24 pieces
2	Mead horn replica (oak wood horn)	9"x6"x3"	one
3	Thor's Hammer replica (oak wood hammer)	9"x1½"x9"	one
4	Gandr staff replica (oak wood stick)	½"x½"x16"	one
5	Bowli replica (oak wood bowl)	9"x9"x3"	one
6	Sun wheel replica (oak wood wheel)	9"x6"x1"	one
7	Oath ring (wood)	6"x1½"	one
8	Altar cloth	3'x6'	one
9	Religious media (books, CDs and or DVDs)		variety
10	Evergreen twig	12" max.	one

Religious Group or Religious Identification **Buddhist**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Sitting pillows		24
2	Bell		1
3	Incense sticks		variety
4	Religious media (books, CDs and or DVDs)		variety
5	Incense holder		one
6	Buddha image		one
7	Candles		variety

Religious Group or Religious Identification **Islam**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Incense sticks		variety
2	Incense holder		one
3	Religious media (books CDs and or DVDs)		variety

Religious Group or Religious Identification **Judaism**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Candles		variety
2	Menorah (candle holder)		one
3	Ram's horn/Shofar	12" max	one
4	Torah scrolls		set of 5
5	Religious media (books, CDs and or DVDs)		variety

Religious Group or Religious Identification **Native American**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Smudging bowl		one
2	Sage	clear bag	bulk
3	Sweetgrass braids	clear bag	bulk
4	Cedar	clear bag	bulk
5	Bitterroot	clear bag	bulk
6	Osha root	clear bag	bulk
7	Juniper	clear bag	bulk
8	Lavender	clear bag	bulk
9	Sea shell for smudging		one
10	Hand drum	8"	one
11	Ceremonial drums and sticks		one set
12	Cloth for ceremonial ties		variety
13	Ceremonial feathers (<u>no eagle</u>)		variety
14	Ceremonial rattle		one
15	Buffalo horn		one
16	Buffalo skull		one
17	Ceremonial staff (wood with feathers <u>< no eagle</u>)	8 ft.	one
18	Sacred pipe & pouch (<u>may be beaded</u>)	24" max	4
19	Religious media (books, CDs and or DVDs)		variety

NOTE:

1. Due to federal eagle feathers regulations, inmates will only be allowed to mail out their eagle feathers or fans to the federal agency in charge of eagle parts.
2. Excess and confiscated feathers of any type will be forwarded to the property officer for proper disposition.

Religious Group or Religious Identification **Protestant Denominations**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Communion set		one
2	Religious media (books, CDs and or DVDs)		variety
3	Large Cross		one

Religious Group or Religious Identification **Roman Catholic**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Chalice		two
2	Candles		2 pkgs.
3	Altar cloths		variety
4	Incense carrier/Thurifer		one
5	Charcoal briquettes		1 bag
6	Incense		variety
7	Large crucifix		one
8	Altar breads		variety
9	Religious media (books, CDs and or DVDs)		variety

Religious Group or Religious Identification **Wiccan**

Communal items or articles allowable for services in the RAC/RAB

	Item Name/Description	Dimensions	Quantity
1	Incense		variety
2	Bell	small	one
3	Altar Cloth	3' x 6" or smaller	one
4	Icon (god/goddess) (picture or statue)	13" maximum	one
5	Bowl	6"	6
6	Candles		variety
7	Pentacle (wood)	12" max	one
8	Pendulum & board divination tool		one ea.
9	Bread (similar to communion wafer)	small amount	
10	Chalice	12" max	one
11	Wand	½"x½"x16"	one
12	Feather		one
13	Minerals & herbs (salt, sage, lavender, cedar)	Communal quantities	
14	Religious media (books, CDs and or DVDs)		variety
15	Quartz Crystal (pyramid style)	½" to 1" base	one
16	Altar Broom	21" long	one

MSP Inmate Religious Preference Statement

To: RAC Coordinator

From: _____
Inmate Name ID/AO number Housing Unit

Check one: ☐ Initial declaration of religious preference ☐ Change of religious preference*

My religious preference is (check one):

☐ Buddhist.....(specify denomination or sect:_____)

☐ Christian.....(specify denomination or sect:_____)

☐ Christian Science

☐ Islam.....(specify denomination or sect:_____)

☐ Jehovah's Witnesses

☐ Church of Jesus Christ of Latter Day Saints

☐ Native American.....(specify denomination or sect:_____)

☐ **Native American & Christian.....(specify denomination or sect:_____)

☐ Odinist

☐ Wicca

**Montana State prison recognizes the unique characteristics of Native American spirituality that sometimes includes Catholicism/Christianity

☐ None

☐ Other:_____

(NOTE: You may only submit one change request per calendar year. This means you may not submit another statement of religious preference change for 12 months from the date of approval or disapproval)

*If this is a request for a change, please specify the reason for changing:

Inmate Signature ID/AO number Date

STAFF USE ONLY (required only when inmate is requesting a change in religious preference)

Religious Activities Coordinator Signature Date Approved Denied
(circle one)

Entry into OMIS: Date ____/____/____ Int._____

Cc: Religious Activities Coordinator Main Records file